

FILED

07 NOV -9 PM 2: 28

CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

NAME

William J. Austin

PRISON NUMBER CDC#T-51790

Centinela State Prison, B3-140L

CURRENT ADDRESS OR PLACE OF CONFINEMENT

P.O. Box 911

Imperial, Ca. 92251

CITY, STATE, ZIP CODE

BY:

DEPUTY

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

'07 CV 2159 DMS (RBB)

William J. Austin

(FULL NAME OF PETITIONER)

PETITIONER

v.

James Tilton, Acting Director

(NAME OF WARDEN, SUPERINTENDENT, JAILOR, OR AUTHORIZED
PERSON HAVING CUSTODY OF PETITIONER [E.G., DIRECTOR OF THE
CALIFORNIA DEPARTMENT OF CORRECTIONS])

RESPONDENT

and

The Attorney General of the State of
California, Additional Respondent.

Civil No.

(TO BE FILLED IN BY CLERK OF U.S. DISTRICT COURT)

PETITION FOR WRIT OF HABEAS CORPUS

UNDER 28 U.S.C. § 2254
BY A PERSON IN STATE CUSTODY

1. Name and location of the court that entered the judgment of conviction under attack: The Superior Court of San Diego, 220 W. Broadway, San Diego, Ca. 92102
2. Date of judgment of conviction: February 27, 2002
3. Trial court case number of the judgment of conviction being challenged: SDC-161430
4. Length of sentence: Thirteen (13) Years Total

5. Sentence start date and projected release date: Start Date, February 27, 2002
and projected release date is February 16, 2015
6. Offense(s) for which you were convicted or pleaded guilty (all counts): Three (3)
counts of P.C. Section 245(a)
7. What was your plea? (CHECK ONE)
- (a) Not guilty ☒
- (b) Guilty ☐
- (c) Nolo contendere ☐
8. If you pleaded not guilty, what kind of trial did you have? (CHECK ONE)
- (a) Jury ☒
- (b) Judge only ☐
9. Did you testify at the trial?
- ☐ Yes ☒ No

DIRECT APPEAL

10. Did you appeal from the judgment of conviction in the California Court of Appeal?
- ☒ Yes ☐ No
11. If you appealed in the California Court of Appeal, answer the following:
- (a) Result: Denied
- (b) Date of result, case number and citation, if known: August 20, 2003
- (c) Grounds raised on direct appeal: (1) Insufficient Evidence to support conviction; (2) The court abused it's discretion in failing to strike the prior conviction (allegation)
12. If you sought further direct review of the decision on appeal by the California Supreme Court (e.g., a Petition for Review), please answer the following:
- (a) Result: denied
- (b) Date of result, case number and citation, if known: November 20, 2003
No. D040045, S119345
- (c) Grounds raised: The evidence was insufficient solely because there was never a facial discription of the assailant to make a six pack photo array

13. If you filed a petition for certiorari in the United States Supreme Court, please answer the following with respect to that petition:

- (a) Result: N/A
- (b) Date of result, case number and citation, if known: _____
- (c) Grounds raised: _____

COLLATERAL REVIEW IN STATE COURT

14. Other than a direct appeal from the judgment of conviction and sentence, have you previously filed any petitions, applications, or motions (e.g., a Petition for Writ of Habeas Corpus) with respect to this judgment in the California Superior Court?

☒ Yes ☐ No

15. If your answer to #14 was "Yes," give the following information:

- (a) California Superior Court Case Number: HC-17568, SCD-161930 & S153051
- (b) Nature of proceeding: Habeas Corpus
- (c) Grounds raised: (1) The trial Court erred when it denied the defense counsel's request for Mistrial; (2) Ineffective Assistance of Counsel, and an illegal sentence
- (d) Did you receive an evidentiary hearing on your petition, application or motion?
☐ Yes ☒ No
- (e) Result: _____
- (f) Date of result: _____

16. Other than a direct appeal from the judgment of conviction and sentence, have you previously filed any petitions, applications, or motions (e.g., a Petition for Writ of Habeas Corpus) with respect to this judgment in the California Court of Appeal?

☒ Yes ☐ No

17. If your answer to #16 was "Yes," give the following information:

- (a) **California Court of Appeal** Case Number: D043859
- (b) Nature of proceeding: Habeas Corpus
- (c) Grounds raised: The trial court erred when it denied the defenses request for mistrial; (2) Ineffective Assistance of trial counsel
- (d) Did you receive an evidentiary hearing on your petition, application or motion?
☐ Yes ☒ No
- (e) Result: _____
- (f) Date of result: _____

18. Other than a direct appeal from the judgment of conviction and sentence, have you previously filed any petitions, applications, or motions (e.g., a Petition for Writ of Habeas Corpus) with respect to this judgment in the **California Supreme Court**?

☒ Yes ☐ No

19. If your answer to #18 was "Yes," give the following information:

- (a) **California Supreme Court** Case Number: S126123 and S153051
- (b) Nature of proceeding: habeas Corpus
- (c) Grounds raised: (1) The trial court erred when it denied the defenses request for mistrial; (2) ineffective Assistance of trial Counsel. In a separate Habeas Corpus illegal sentence was raised
- (d) Did you receive an evidentiary hearing on your petition, application or motion?
☐ Yes ☒ No
- (e) Result: Denied
- (f) Date of result: October 10, 2007

20. If you did *not* file a petition, application or motion (e.g., a Petition for Review or a Petition for Writ of Habeas Corpus) with the California Supreme Court containing the grounds raised in this federal Petition, explain briefly why you did not:
- _____
- _____
- _____
- _____

COLLATERAL REVIEW IN FEDERAL COURT

21. Is this your **first** federal petition for writ of habeas corpus challenging this conviction?
- ☐ Yes ☒ No (If "YES" SKIP TO #22) United States Dist Court
- (a) If no, in what federal court was the prior action filed? Southern Dist. of Calif.
- (i) What was the prior case number? 05-CV-1303-LAB (CAB)
- (ii) Was the prior action (CHECK ONE):
- ☐ Denied on the merits?
- ☐ Dismissed for procedural reasons?
- (iii) Date of decision: Still Pending
- (b) Were any of the issues in this current petition also raised in the prior federal petition?
- ☐ Yes ☒ No
- (c) If the prior case was denied on the merits, has the Ninth Circuit Court of Appeals given you permission to file this second or successive petition?
- ☐ Yes ☐ No

CAUTION:

- **Exhaustion of State Court Remedies:** In order to proceed in federal court you must ordinarily first exhaust your state court remedies as to each ground on which you request action by the federal court. This means that even if you have exhausted some grounds by raising them before the California Supreme Court, you must first present *all* other grounds to the California Supreme Court before raising them in your federal Petition.
- **Single Petition:** If you fail to set forth all grounds in this Petition challenging a specific judgment, you may be barred from presenting additional grounds challenging the same judgment at a later date.
- **Factual Specificity:** You must state facts, not conclusions, in support of your grounds. For example, if you are claiming incompetence of counsel you must state facts specifically setting forth what your attorney did or failed to do. A rule of thumb to follow is — state who did exactly what to violate your federal constitutional rights at what time or place.

GROUND'S FOR RELIEF

22. State *concisely* every ground on which you claim that you are being held in violation of the constitution, law or treaties of the United States. Summarize *briefly* the facts supporting each ground. If necessary, you may attach pages stating additional grounds and/or facts supporting each ground.

(a) **GROUND ONE:** The United States Constitution Guarantee's Due Process of A Defendant Right's From The Trial Court imposing An Illegal Sentence. The trial Court Erred.

Supporting FACTS (state *briefly* without citing cases or law) On april 25, 2002, petitioner was sentenced to 13 years imprisonment after being found guilty by Jury. The sentencing court erred in the illegally imposed sentence. Petitioner was convicted of two counts of assault by means of force likely to produce great bodily injury, one count of assault with deadly weapon by means of force likely to produce great bodily injury, (GBI) and one count of assault. The Jury found it true the defendant inflicted great bodily injury. These counts were numbered I, II, III and IV. Now the sentencing court used count two for the base principle term, because of the (GBI) allegation and imposed the presumptive middle term of 3 years to 6 years under the three strike law, then the court also doubled count I, and count III serving one third the middle term. The sentencing court erred.

(SEE ATTACHED ADDITIONAL PAGE, SUPPORTING FACTS)

Did you raise **GROUND ONE** in the California Supreme Court?

☐ Yes ☐ No.

SUPPORTING FACTS CONTINUED

1
2 The San Diego county Superior Court imposed an erroneous
3 illegal sentence that violated petitioners constitutional rights
4 to trial by Jury and Due Process. Trial court also violated Calif-
5 ornia's Detemante Sentencing Law(DSL), which sentencing rules
6 instruct a sentencing court how to sentence a defendant that has
7 been found guilty or pled guilty by plea bargain. Petitioner's
8 trial court erred and violated sentencing rule Penal code section
9 §667,Subdivision (c)(b). P.C.§667(c)(b) States: "If there is a
10 current conviction for more then one felony count not committed on
11 the same occasion, and not arising from the same set of operative
12 facts, the court shall sentence the defendant consecutively.",
13 which means if all felony counts committed at the same time and on
14 the same occasion and arising from the same set of operative facts
15 the court shall sentence concurrent. Petitioners case all happened
16 at the same time, in the same room all on the same occasion as was
17 testified to by all State witnesses and conferred by police reports.

18
19 Which brings up Penal Code 654 Subdivsion(a) which States in
20 relevant part: "in no case shall an act or omission be punished
21 under more then one provision." So if the Jury found it true to
22 the great bodily injury(GBI) enhancement for an additional 3 years
23 under Penal Code §12022.7. The trial court would have also erred
24 by sentencing petitioner under more then one provision for the gr-
25 eat bodily injury being attached to count II,to make count II a
26 serious felony. The sentencing court could do one of two things
27 according to the sentencing rules; (1) give the defendant the 3
28 year enhancement under P.C.§12022.7, as the jury found,or(2) give

1 the defendant 3 years for a strike prior that only the great
2 bodily injurt (GBI) allows by makeing count II a serious felony.
3 Penal Code §1170(b) States a fact underlying am enhancement can
4 not do double duty; it can not be used to impose a upper term
5 sentence and on top of that an enhancement term. The GBI on count
6 II is doing double duty in petitioners sentence, the court erred
7 there.

8 The great bodily injury (GBI) can only be used once under
9 one sentencing provision, you cant usethe same GBI allegation
10 twice under two different provisions as stated in P.C. §654, also a
11 fact underlying an enhancement can not do double dutyas it was
12 used in petitioners sentence.

13 Petitioner should have received a sentencing of no more then
14 9 years if sentenced under P.C. §667, and all counts ran concurrent.
15 If the great bodily injury used as double duty is corrected petit-
16 ioner should have been sentenced to no more then 6 years. To allow
17 a Judge to impose a illegal sentence deny's petitioner his sixth &
18 eighth Amendment Constitutional right to a trial by jury and Due
19 Process.

20 Petitioner request this court address the erroneous sentence
21 imposed on him in light of the facts presented in this petition
22 for writ of Habeas Corpus. Petitioner also request this court add-
23 ress the issues of Penal Code §667(c)(b), P.C. §1170(b), and all
24 legal use of great bodily injury enhancement P.C. §12022.7, being
25 use to do double duty. Petitioner also request this court to modi-
26 fy and correct the illegal sentence imposed on him according to
27 the laws that govern the land.

28 Respectfully Submitted

William J. Austin
William J. Austin

Dated: 11-6 - 2007

(b) **GROUND TWO:** _____

Supporting **FACTS** (state *briefly* without citing cases or law): _____

Did you raise **GROUND TWO** in the California Supreme Court?

☐ Yes ☐ No.

(c) **GROUND THREE:** _____

[illegible]

Did you raise GROUND THREE in the California Supreme Court?

☐ Yes ☐ No.

(d) **GROUND FOUR:** _____

Supporting FACTS (state *briefly* without citing cases or law): _____

Did you raise **GROUND FOUR** in the California Supreme Court?

☐ Yes ☐ No.

23. Do you have any petition or appeal **now pending** in any court, either state or federal, pertaining to the judgment under attack?

☒ Yes ☐ No

24. If your answer to #23 is "Yes," give the following information:

(a) Name of Court: United States District Court Southern Dist. of California.

(b) Case Number: 05-CV-1303 LAB(CAB)

(c) Date action filed: November 23, 2005

(d) Nature of proceeding: _____

(e) Grounds raised: (1) Insufficient Evidence, Truth in evidence (2) false Testimony (3) Ineffective Assistance of counsel

(f) Did you receive an evidentiary hearing on your petition, application or motion?

☐ Yes ☒ No

25. Give the name and address, if known, of each attorney who represented you in the following stages of the judgment attacked herein:

(a) At preliminary hearing: Scott Rand

(b) At arraignment and plea: Scott Rand

(c) At trial: scott Rand

(d) At sentencing: Scott Rand

(e) On appeal: Joseph T. Tavano, Appellant Defendants Inc.

(f) In any post-conviction proceeding: N/A

(g) On appeal from any adverse ruling in a post-conviction proceeding: N/A

26. Were you sentenced on more than one count of an indictment, or on more than one indictment, in the same court and at the same time?

☐ Yes ☒ No

27. Do you have any future sentence to serve after you complete the sentence imposed by the judgment under attack?

☐ Yes ☒ No

(a) If so, give name and location of court that imposed sentence to be served in the future:

(b) Give date and length of the future sentence: _____

(c) Have you filed, or do you contemplate filing, any petition attacking the judgment which imposed the sentence to be served in the future?

☐ Yes ☒ No

28. Date you are mailing (or handing to a correctional officer) this Petition to this court: _____

Wherefore, Petitioner prays that the Court grant Petitioner relief to which he may be entitled in this proceeding.

SIGNATURE OF ATTORNEY (IF ANY)

I declare under penalty of perjury that the foregoing is true and correct. Executed on

Nov. 6, 2007

(DATE)

William Austin

SIGNATURE OF PETITIONER

PROOF OF SERVICE BY A PERSON IN STATE CUSTODY

CASE NAME: WILLIAM J. AUSTIN v. JAMES TILTON
CASE NUMBER:

I WILLIAM AUSTIN, THE UNDERSIGNED, CERTIFY, AND DO DECLARE THAT I AM OVER THE AGE OF 18 YEARS, INCARCERATED AT CENTINELA STATE PRISON, LOCATED AT IMPERIAL, CALIFORNIA, AND A PARTY TO THE ATTACHED FOREGOING CAUSE OF ACTION. ON Nov., 2007, I DID SERVE A TRUE COPY OF: *Petition for Writ of Habeas Corpus*

BY HANDING IT TO INSTITUTIONAL STAFF IN A SEALED ENVELOPE, ATTACHED WITH A CDC TRUST WITHDRAWAL REQUESTING THAT POSTAGE BE PAID THERETO, FOR DEPOSIT IN THE UNITED STATES MAIL PURSUANT OF CALIFORNIA CODE OF REGULATIONS SECTION 3142 and 3165; ADDRESSED TO THE FOLLOWING:

I MAILED THE FOLLOWING ITEMS TO:

*United State District Court
Southern District Court*

INTENDED PLACE OF MAILING: U.S. POST OFFICE, AT IMPERIAL, CALIFORNIA. I FURTHER DECLARE UNDER PENALTY OF PERJURY THAT THE FOREGOING IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE.

EXECUTED ON Nov 6, 2007

RESPECTFULLY SUBMITTED

William J. Austin
WILLIAM J. AUSTIN
PETITIONER, IN PRO PER

JS44

(Rev. 07/89)

CIVIL COVER SHEET

The JS-44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE SECOND PAGE OF THIS FORM.)

I (a) PLAINTIFFS

William J. Austin

(b) COUNTY OF RESIDENCE OF FIRST LISTED PLAINTIFF **Imperial**
(EXCEPT IN U.S. PLAINTIFF CASES)

DEFENDANTS

Tilton CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

07 NOV -9 PM 2:30

COUNTY OF RESIDENCE OF FIRST LISTED DEFENDANT
(IN U.S. PLAINTIFF CASES ONLY)

DEPUTY

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND

(c) ATTORNEYS (FIRM NAME, ADDRESS, AND TELEPHONE NUMBER)

William J. Austin
PO Box 911
Imperial, CA 92251
T-51790

ATTORNEYS (IF KNOWN)

'07 CV 2159 DMS (RBB)

II. BASIS OF JURISDICTION (PLACE AN X IN ONE BOX ONLY)

- ☐ 1 U.S. Government Plaintiff ☒ 3 Federal Question
(U.S. Government Not a Party)
- ☐ 2 U.S. Government Defendant ☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (PLACE AN X IN ONE BOX FOR PLAINTIFF AND ONE BOX FOR DEFENDANT)

- | | | | | |
|----------------------------|----------------------------|---|----------------------------|----------------------------|
| PT | DEF | | PT | DEF |
| <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Citizen of This State | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Citizen of Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Citizen or Subject of a Foreign Country | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |
| | | Incorporated or Principal Place of Business in This State | | |
| | | Incorporated and Principal Place of Business in Another State | | |
| | | Foreign Nation | | |

IV. CAUSE OF ACTION (CITE THE US CIVIL STATUTE UNDER WHICH YOU ARE FILING AND WRITE A BRIEF STATEMENT OF CAUSE. DO NOT CITE JURISDICTIONAL STATUTES UNLESS DIVERSITY).

28 U.S.C. 2254

V. NATURE OF SUIT (PLACE AN X IN ONE BOX ONLY)

CONTRACT	TORTS		FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance	PERSONAL INJURY	PERSONAL INJURY	<input type="checkbox"/> 610 Agriculture	<input type="checkbox"/> 422 Appeal 28 USC 158	<input type="checkbox"/> 400 State Reappointment
<input type="checkbox"/> Marine	<input type="checkbox"/> 310 Airplane	<input type="checkbox"/> 362 Personal Injury-Medical Malpractice	<input type="checkbox"/> 620 Other Food & Drug	<input type="checkbox"/> 423 Withdrawal 28 USC 157	<input type="checkbox"/> 410 Antitrust
<input type="checkbox"/> Miller Act	<input type="checkbox"/> 315 Airplane Product Liability	<input type="checkbox"/> 365 Personal Injury - Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881	PROPERTY RIGHTS	<input type="checkbox"/> 430 Banks and Banking
<input type="checkbox"/> Negotiable Instrument	<input type="checkbox"/> 320 Assault, Libel & Slander	<input type="checkbox"/> 368 Asbestos Personal Injury Product Liability	<input type="checkbox"/> 630 Liquor Laws	<input type="checkbox"/> 820 Copyrights	<input type="checkbox"/> 450 Commerce/ICC Rates/etc.
<input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment	<input type="checkbox"/> 330 Federal Employers' Liability	<input type="checkbox"/> 370 Other Fraud	<input type="checkbox"/> 640 RR & Truck	<input type="checkbox"/> 830 Patent	<input type="checkbox"/> 460 Deportation
<input type="checkbox"/> 151 Medicare Act	<input type="checkbox"/> 340 Marine	PERSONAL PROPERTY	<input type="checkbox"/> 650 Airline Regs	<input type="checkbox"/> 840 Trademark	<input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations
<input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans)	<input type="checkbox"/> 345 Marine Product Liability	<input type="checkbox"/> 371 Truth in Lending	<input type="checkbox"/> 660 Occupational Safety/Health	SOCIAL SECURITY	<input type="checkbox"/> 810 Selective Service
<input type="checkbox"/> 153 Recovery of Overpayment of Veterans Benefits	<input type="checkbox"/> 350 Motor Vehicle	<input type="checkbox"/> 380 Other Personal Property Damage	<input type="checkbox"/> 690 Other	<input type="checkbox"/> 861 HIA (13958)	<input type="checkbox"/> 850 Securities/Commodities Exchange
<input type="checkbox"/> 160 Stockholders Suits	<input type="checkbox"/> 355 Motor Vehicle Product Liability	<input type="checkbox"/> 385 Property Damage Product Liability	LABOR	<input type="checkbox"/> 862 Black Lung (923)	<input type="checkbox"/> 875 Customer Challenge 12 USC
<input type="checkbox"/> Other Contract	<input type="checkbox"/> 360 Other Personal Injury		<input type="checkbox"/> 710 Fair Labor Standards Act	<input type="checkbox"/> 863 DIWC/DIWW (405(g))	<input type="checkbox"/> 891 Agricultural Acts
<input type="checkbox"/> 195 Contract Product Liability			<input type="checkbox"/> 720 Labor/Mgmt. Relations	<input type="checkbox"/> 864 SSID Title XVI	<input type="checkbox"/> 892 Economic Stabilization Act
REAL PROPERTY	CIVIL RIGHTS	PRISONER PETITIONS	<input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act	<input type="checkbox"/> 865 RSI (405(a))	<input type="checkbox"/> 893 Environmental Matters
<input type="checkbox"/> 210 Land Condemnation	<input type="checkbox"/> 441 Voting	<input type="checkbox"/> 510 Motions to Vacate Sentence Habeas Corpus	<input type="checkbox"/> 740 Railway Labor Act	FEDERAL TAX SUITS	<input type="checkbox"/> 894 Energy Allocation Act
<input type="checkbox"/> 220 Foreclosure	<input type="checkbox"/> 442 Employment	<input checked="" type="checkbox"/> 530 General	<input type="checkbox"/> 790 Other Labor Litigation	<input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant)	<input type="checkbox"/> 895 Freedom of Information Act
<input type="checkbox"/> 230 Rent Lease & Ejectment	<input type="checkbox"/> 443 Housing/Accommodations	<input type="checkbox"/> 535 Death Penalty	<input type="checkbox"/> 791 Empl. Ret. Inc.	<input type="checkbox"/> 871 IRS - Third Party 26 USC 7609	<input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice
<input type="checkbox"/> 240 Tort to Land	<input type="checkbox"/> 444 Welfare	<input type="checkbox"/> 540 Mandamus & Other	<input type="checkbox"/> Security Act		<input type="checkbox"/> 950 Constitutionality of State
<input type="checkbox"/> 245 Tort Product Liability	<input type="checkbox"/> 440 Other Civil Rights	<input type="checkbox"/> 550 Civil Rights			<input type="checkbox"/> 890 Other Statutory Actions
<input type="checkbox"/> 290 All Other Real Property					

VI. ORIGIN (PLACE AN X IN ONE BOX ONLY)

- ☒ 1 Original Proceeding ☐ 2 Removal from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Reinstated or Reopened ☐ 5 Transferred from another district (specify) ☐ 6 Multidistrict Litigation ☐ 7 Appeal to District Judge from Magistrate Judgment

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER f.r.c.p. 23

DEMAND \$

Check YES only if demanded in complaint:

JURY DEMAND: ☐ YES ☐ NO

VIII. RELATED CASE(S) IF ANY (See Instructions): JUDGE

Docket Number

DATE November 9, 2007

SIGNATURE OF ATTORNEY OF RECORD

PAID \$5- 11/9/07 BY KURT #144376

Smull

**UNITED STATES
DISTRICT COURT**
SOUTHERN DISTRICT OF CALIFORNIA
SAN DIEGO DIVISION

144376 - BH

**November 09, 2007
14:31:06**

Habeas Corpus

USAO #: 07CV2159 HABEAS FILING

Judge.: DANA M SABRAW

Amount.:

\$5.00 CK

Check#: PC# 1283

Total-> \$5.00

**FROM: AUSTIN V. TILTON
HABEAS CORPUS**